

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:13-00244-001

JODY WHEELER

MEMORANDUM OPINION AND ORDER

In Charleston, on August 3, 2016, came the defendant, Jody Wheeler, in person and by counsel, David R. Bungard, Assistant Federal Public Defender; came the United States by Timm Boggess, Assistant United States Attorney; and came Senior United States Probation Officer Patrick M. Fidler, for a hearing on the petition to revoke the defendant's term of supervised release.¹

After giving counsel for both parties and defendant an opportunity to speak regarding the matter of disposition, the court **ORDERED**, pursuant to the Sentencing Reform Act of 1984, that the defendant's term of supervised release be revoked, and she is sentenced to time served. Upon release from imprisonment, defendant will serve a term of supervised release of thirty (30) months. While on supervised release, defendant shall not commit another federal, state or local crime, and shall be subject to the Standard Conditions of Supervision adopted by this court. All previously imposed conditions of supervision remain in effect. The court further ordered that defendant reside at

¹ This hearing was a continuation of the hearing held on May 12, 2016, wherein the court held the pending revocation proceeding in abeyance.

Oakhurst Transitional Living Facility for a minimum of ninety (90) days as a special condition of supervised release. The court also ordered defendant to obtain employment as directed by her probation officer. Finally, the court reimposed the unpaid portion of defendant's restitution obligation.

In considering the proper term of imprisonment to be imposed, the court considered the factors set forth in 18 U.S.C. § 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7), as well as the Chapter 7 policy statements and concluded that the sentence imposed is an appropriate sanction for the defendant's breach of trust, taking into account the nature and circumstances of the offense and the history and characteristics of the defendant. The court further concluded that the sentence imposed will provide adequate deterrence to criminal conduct and protect the public from further crimes of the defendant.


The defendant was informed of her right to appeal the court's findings and the revocation of her supervised release. The defendant was further informed that in order to initiate such an appeal, a Notice of Appeal must be filed in this court within fourteen (14) days. The defendant was advised that if she wishes to appeal and cannot afford to hire counsel to represent her on appeal, the court will appoint counsel for her. The defendant

was further advised that if she so requests, the Clerk of court will prepare and file a notice of appeal on her behalf.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record, the United States Marshal for the Southern District of West Virginia, and the Probation Department of this court.

IT IS SO ORDERED this 4th day of August, 2016.

ENTER:



David A. Faber
Senior United States District Judge